



A handwritten signature in black ink that reads "Brian D. Lynch".

Brian D. Lynch
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

Erin Ann Sharp,

Debtor.

Case No. 23-41097-BDL

**Order Denying Motion for Relief
from Stay and Motion to Confirm
Chapter 13 Plan**

Vitruvian Design, LLC (“Vitruvian”) filed a motion for relief from stay in the above-captioned bankruptcy case on October 3, 2023 (the “Relief from Stay Motion”). ECF. No. 22. In the Relief from Stay Motion, Vitruvian seeks relief from the automatic stay to direct the Sheriff to issue a deed to Debtor’s residence in Allyn, Washington (the “Property”), which it purchased via judicial foreclosure on July 15, 2022, and to allow it to proceed with eviction of the Debtor.

The Debtor filed a response to the Relief from Stay Motion [ECF No. 33]. Thereafter, the Debtor filed a motion to confirm her amended chapter 13 plan (the “Confirmation Motion”) [ECF No. 73]. In the Confirmation Motion, the Debtor seeks to confirm the amended plan filed at ECF No. 68 that provides a lump sum payment to Vitruvian to pay off its interest in the Property. Vitruvian filed an objection to the amended plan. ECF No. 69.

1 The court held a preliminary hearing on the Relief from Stay Motion on November
2 8, 2023, which was continued for a final hearing. ECF No. 57. The Court held the final
3 hearing on the Relief from Stay Motion and a hearing on the Confirmation Motion on
4 December 14, 2023 (together, the “Hearing”). Counsel for Vitruvian and the Debtor both
5 appeared at the Hearing. The Chapter 13 Trustee appeared but withdrew his objection
6 to the amended plan. The Court made an oral ruling at the Hearing denying the Relief
7 from Stay Motion, and ruling that if the Debtor files an Amended Plan with additional
8 terms to address what occurs in the event the Debtor fails to make the lump sum
9 payment provided in the plan, it would grant the Confirmation Motion, which ruling is
10 incorporated herein by reference.

11 Therefore, it is hereby

12 ORDERED:

- 13 1. that the Relief from Stay Motion is denied;
- 14 2. that the Confirmation Motion is denied, but the Court will approve confirmation
15 if the Debtor files an amended plan in the current form but includes a provision
16 that if the Debtor fails to remit the lump sum payment proposed in the amended
17 plan to Vitruvian by 10 days after the order confirming the plan is entered,
18 Vitruvian may submit an order to this Court on ten (10) days’ notice to the Debtor
19 and Trustee granting relief from the automatic stay to seek recording of the
20 Sheriff’s Deed to the Property and proceed with actions to evict the Debtor from
21 the Property;
- 22 3. that upon the filing of the amended plan as outlined in paragraph 2, the chapter
23 13 trustee may enter his recommendation for confirmation of the Debtor’s
24 amended plan.

25 ///End of Order///